

**ADRODDIAD PENNAETH
CYNLLUNIO, CYFARWYDDIAETH
YR AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 22 IONAWR 2019
ON 22 JANUARY 2019**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal Del/
Area South*



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.

COMMITTEE:	PLANNING COMMITTEE
DATE:	22 JANUARY 2019
REPORT OF:	HEAD OF PLANNING

INDEX - AREA SOUTH

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
S/37968	Demolition of the existing brick boundary wall and shed to replace with new garage including storage, studio and workshop to form additional ancillary space to 1 Bailey Street at 1 Bailey Street, Kidwelly, SA17 5AZ
S/37981	Demolition of the existing brick boundary wall and shed to replace with new garage including storage, studio and workshop to form additional ancillary space to 1 Bailey Street at 1 Bailey Street, Kidwelly, SA17 5AZ

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/37968
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Application Type	Full Planning
Proposal & Location	DEMOLITION OF THE EXISTING BRICK BOUNDARY WALL AND SHED TO REPLACE WITH NEW GARAGE INCLUDING STORAGE, STUDIO AND WORKSHOP TO FORM ADDITIONAL ANCILLARY SPACE TO 1 BAILEY STREET AT 1 BAILEY STREET, KIDWELLY, SA17 5AZ

Applicant(s)	MR LUKE THOMAS, 46 BEETON WAY, WEST NORWOOD, LONDON, SE27 9BD
Case Officer	Gary Glenister
Ward	Kidwelly
Date of validation	26/10/2018

CONSULTATIONS

Head of Transport – Has no objection subject to the imposition of appropriate conditions.

Kidwelly Town Council - No observations received to date.

Local Members - County Councillor Gilasbey is a member of the Planning Committee and has made no prior comment.

Neighbours/Public - The application has been publicised by the posting of two Site Notices. Please note that 3No responses have been received from 2No. properties under reference S/37981 (parallel Conservation Area Consent reported separately) raising material planning considerations as follows:-

- Highway/pedestrian safety;
 - parking;
 - visibility.
- Privacy/amenity;
- Stone wall needs protecting;
- Proposed use questioned;
- Water pressure.

RELEVANT PLANNING HISTORY

The following previous applications have been received on the application site:-

S/37981	Demolition of the existing brick boundary wall and shed to replace with new garage including storage, studio and workshop to form additional ancillary space to 1 Bailey Street Conservation Area Consent	Pending
S/37014	Refurbishment of the existing dwelling including three new rear gabled dormers and terrace on existing flat roof extension Full planning permission	9 May 2018
S/34850	Demolition of existing sub-standard extension and construction of new single storey extension on same footprint Full planning permission	1 February 2017
S/34242	Extension to existing house including demolition of existing sub-standard rear extension Full planning permission	19 September 2016

APPRAISAL

THE SITE

The site is an existing garden area in the Kidwelly Conservation Area within the Old Town Walls close to the Castle.

The site was formerly a cottage and the applicant has supplied historic photos to show the original built form. The built form is shown clearly on the 1876 historic map and the applicant has supplied aerial photographs from 1950 which show the property with no roof. The cottage has long since been demolished and replaced by a brick wall along the road frontage. However, a stone wall remains along the south western boundary which is believed to be part of the original cottage gable wall.

Since the demolition of the cottage, the site has been used as a private garden ancillary to 1 Bailey Street and has most recently accommodated garden outbuildings.

The site has a relatively modern residential property to the south west dating from the 1970s which is set back from the highway and has an attached garage between the house and the site boundary.

The site has a former commercial building to the south east which is currently subject to an application to revert to a restaurant.

THE PROPOSAL

The application proposes an outbuilding ancillary to the house at 1 Bailey Street. The outbuilding is proposed to accommodate a garage and workshop at ground floor and a studio above for home working.

The original design was more contemporary however after concerns from the Built Heritage Officer and Planning Officer, the design was amended to show a more traditional form of development with a saddle roof facing the road and rear gable to provide light and space for the studio. The siting has been moved back after concerns from the Head of Transport so it is no longer at the back of the pavement but leaves a small gap so pedestrians can see any cars egressing the garage.

Please note that the application was submitted as Full Planning and Conservation Area Consent. This is split at registration so a parallel application (S/37981) is running as the proposal includes the demolition of a substantial brick wall along the road frontage. This separate application is being reported separately.

PLANNING POLICY

In the context of the current development control policy framework the site is within the settlement development limits of Kidwelly within the Conservation Area as defined in the Local Development Plan.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles.

Policy GP1 Sustainability and High Quality Design provides a list of criteria which demonstrates principles of good design to ensure that development is appropriate to the character of the area and would not have a significant impact on third parties.

The overall general policy relating to the historic environment is SP13, Protection and Enhancement of the Built and Historic Environment which states:

Development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a) Sites and features of recognised Historical and Cultural Importance;
- b) Listed buildings and their setting;
- c) Conservation Areas and their setting;
- d) Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

More specifically, Policy EQ1 relates to the historic environment.

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states:

“Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.”

Planning Policy Wales Edition 10 refers to the historic environment in Section 6.1.

The general thrust of the national policy is sustainability and place making as part of the Welsh Government’s “Well Being” agenda. As a principle, the National policy states in Paragraph 6.1.5 that “The planning system must take into account the Welsh Government’s objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.”

Specifically Paragraph 6.1.6 sets out the objective to “preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous.”

Section 6.1.14 to 6.1.17 sets out guidance for Conservation Area with preservation or enhancement being the tests for new development. The historic character and appearance of the conservation area should therefore be enhanced or at least not harmed by new development.

Planning Policy Wales is supplemented by CADW publication “Managing Change in Conservation Areas” which sets out the purpose and management of Conservation Areas.

CADW - Conservation Principles 2011

The Conservation Principles document provides a set of principles based on understanding significance and managing historic assets to sustain the evidential, historical, aesthetic and communal values.

THIRD PARTY REPRESENTATIONS

Highway/pedestrian safety has been carefully considered. There was initial concern from the Head of Transport given the original form of development being right to the back of pavement as currently evident with the brick wall. However the applicant has moved the proposal back into the site with a low level planter to the front. This would allow a 2m set back from the edge of the carriageway. This would serve three purposes, firstly any pedestrians using the pavement would see the front of the car before it crossed the pavement and secondly that the driver will be able to see the carriageway before entering it and thirdly, it would allow a visibility improvement for the neighbouring property. On this basis, the Head of Transport has no objection.

In respect of parking, it is noted that there is an existing gate and parking space off the carriageway and the proposal would add a garage space off street. Construction traffic will inevitably be present during the build however this is a temporary arrangement. Any on street parking by third parties is out of the applicant’s control as there are no parking restrictions currently in force.

It is not likely that privacy and amenity for third parties would be affected by the proposal. The existing stone wall is proposed to be retained along the South Western boundary (see below) and the fenestration will overlook the private garden area of 1 Bailey Street. It is noted that the adjacent property is set back from the road and has a garage between the house and the application site which provides a reasonable separation distance. It is further noted that the proposal is to the North East of the nearest third party so will have no impact in terms of loss of amenity through overshadowing.

The stone wall is said to be the original gable wall for the cottage that stood there previously. This is proposed to be retained in its current location with the demolition restricted to the brick frontage wall only. The proposal is not therefore going to affect the historic wall.

There is speculation over the use that the applicant wishes to put the building to, however the application is for ancillary accommodation to the house so is not proposed as a separate dwelling. The application states that the building is proposed as a “new garage including storage, studio and workshop to form additional ancillary space to 1 Bailey Street.” The applicant has further clarified that the studio is proposed for the purposes of working from home. It is recommended that a condition be imposed stating that there shall be not trade or commercial use of the building as a separate planning unit so that it is retained as ancillary accommodation.

Water pressure is not a material planning consideration.

CONCLUSION

After careful consideration of the site and surrounding environs, the proposal is in the Kidwelly Conservation Area within the old town walls so needs to be considered carefully as it is particularly sensitive in terms of its location.

Photographic evidence demonstrates that the proposal is a replacement for a former cottage of a scale and design which fits the site and reinstates an active frontage within the medieval street pattern which is currently a featureless brick wall. The site is of a scale that could accommodate a small dwelling, however the owner is seeking a garage and ancillary accommodation which is linked the house in terms of function and ownership. The scale is such that it accommodates a studio in the loft space in a way that is subtle and unobtrusive when viewed from the street with a rear gable overlooking the private garden. The old stone cottage wall along the South Western boundary of the site is retained so the impact of the proposal on the third party to the South West is minimal.

The proposal includes a parking space and garage so that cars are parked off the highway and the vehicular entrances reduce the likelihood of ad hoc parking on the road, hence keeping the highway clear. The Head of Transport had initial concerns however amended plans were submitted so now has no objection subject to the imposition of appropriate conditions requiring the visibility to be maintained.

On balance, whilst there is concern locally, the proposal is ancillary to the dwelling and of a scale, height and design which is considered to be acceptable in this location so is therefore considered to be in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - 1:500 scale Location Plan. Drawing No. P-100 dated 6 October 2018;
 - 1:200 scale Existing and Proposed Site Plans. Drawing No. P-101-A dated 24 October 2018;
 - 1:100 scale Proposed Elevations and Section Plans. Drawing No. P-105-A dated 24 October 2018;
 - 1:100 scale Proposed Floor Plans and Roof Plan. Drawing No. P-104-B dated 20 November 2018.
- 3 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's south-west Bailey Street Road frontage within 2.0 metres of the near edge of the carriageway.
- 4 Prior to any use of the access by vehicular traffic, a visibility splay of 2.0 metres x 25 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.6 metres within this splay area.
- 5 The access and visibility splays required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 6 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 7 The garage/workshop shall be used for private domestic purposes only and not for any trade or commercial purposes. The studio accommodation shall be used ancillary to the house at 1 Bailey Street (including home working) but shall not form a separate unit of accommodation for any purpose.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3-6 In the interests of highway safety.
- 7 To protect the amenities of neighbouring properties.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development complies with Policy GP1 of the LDP in that it is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policy EQ1 in that the proposal is suitable in terms of scale and design and will preserve and enhance the Conservation Area by restoring an active frontage onto Bailey Street. The design and materials are considered to be appropriate to the Conservation Area.

NOTES

- 1 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).

Application No	S/37981
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Application Type	Conservation Area Consent
Proposal & Location	DEMOLITION OF THE EXISTING BRICK BOUNDARY WALL AND SHED TO REPLACE WITH NEW GARAGE INCLUDING STORAGE, STUDIO AND WORKSHOP TO FORM ADDITIONAL ANCILLARY SPACE TO 1 BAILEY STREET AT 1 BAILEY STREET, KIDWELLY, SA17 5AZ

Applicant(s)	MR LUKE THOMAS, 46 BEETON WAY, WEST NORWOOD, LONDON, SE27 9BD
Case Officer	Gary Glenister
Ward	Kidwelly
Date of validation	30/10/2018

CONSULTATIONS

Head of Transport – Has no objection subject to the imposition of appropriate conditions.

Kidwelly Town Council - No observations received to date.

Local Members - County Councillor Gilasbey is a member of the Planning Committee and has made no prior comment.

Neighbours/Public - The application has been publicised by the posting of two Site Notices. Please note that 3No responses have been received from 2No. properties raising the following matters:-

- Highway/pedestrian safety;
 - parking;
 - visibility.
- Privacy/amenity;
- Stone wall needs protecting;
- Proposed use questioned;
- Water pressure.

RELEVANT PLANNING HISTORY

The following previous applications have been received on the application site:-

S/37968	Demolition of the existing brick boundary wall and shed to replace with new garage including storage, studio and workshop to form additional ancillary space to 1 Bailey Street Full planning permission	Pending
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APPRAISAL

THE SITE

The site is an existing garden area in the Kidwelly Conservation Area within the Old Town Walls close to the Castle.

The site was formerly a cottage and the applicant has supplied historic photos to show the original built form. The built form is shown clearly on the 1876 historic map and the applicant has supplied aerial photographs from 1950 which show the property with no roof. The cottage has long since been demolished and replaced by a brick wall along the road frontage. However, a stone wall remains along the South Western boundary which is believed to be part of the original cottage gable wall.

Since the demolition of the cottage, the site has been used as a private garden ancillary to 1 Bailey Street and has most recently accommodated garden outbuildings.

The site has a relatively modern residential property to the South West dating from the 1970s which is set back from the highway and has an attached garage between the house and the site boundary.

The site has a former commercial building to the South East which is currently subject to an application to revert to a restaurant.

THE PROPOSAL

The application proposes an outbuilding ancillary to the house at 1 Bailey Street. The outbuilding is proposed to accommodate a garage and workshop at ground floor and a studio above for home working.

The original design was more contemporary however after concerns from the Built Heritage Officer and Planning Officer, the design was amended to show a more traditional form of development with a saddle roof facing the road and rear gable to provide light and space for the studio. The siting has been moved back after concerns from the Head of Transport so it is no longer at the back of the pavement but leaves a small gap so pedestrians can see any cars egressing the garage.

Please note that the application was submitted as Full Planning and Conservation Area Consent. This is split at registration so a separate Full Planning application (S/37968) is being reported separately.

PLANNING POLICY

In the context of the current development control policy framework the site is within the settlement development limits of Kidwelly within the Conservation Area as defined in the Local Development Plan.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles.

Policy GP1 Sustainability and High Quality Design provides a list of criteria which demonstrates principles of good design to ensure that development is appropriate to the character of the area and would not have a significant impact on third parties.

The overall general policy relating to the historic environment is SP13, Protection and Enhancement of the Built and Historic Environment which states:

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- d) Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

More specifically, Policy EQ1 relates to the historic environment.

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states:

“Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.”

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The general thrust of the national policy is sustainability and place making as part of the Welsh Government’s “Well Being” agenda. As a principle, the National policy states in Paragraph 6.1.5 that “The planning system must take into account the Welsh Government’s objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.”

Specifically Paragraph 6.1.6 sets out the objective to “preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous.”

Section 6.1.14 to 6.1.17 sets out guidance for Conservation Area with preservation or enhancement being the tests for new development. The historic character and appearance of the conservation area should therefore be enhanced or at least not harmed by new development.

Planning Policy Wales is supplemented by CADW publication “Managing Change in Conservation Areas” which sets out the purpose and management of Conservation Areas.

CADW - Conservation Principles 2011

The Conservation Principles document provides a set of principles based on understanding significance and managing historic assets to sustain the evidential, historical, aesthetic and communal values.

THIRD PARTY REPRESENTATIONS

Highway/pedestrian safety is not material to the Conservation Area Consent however is being reported separately under full application S/37968.

Privacy and amenity is not material to the Conservation Area Consent however is being reported separately under full application S/37968.

The stone wall is said to be the original gable wall for the cottage that stood there previously. This is proposed to be retained in its current location with the demolition restricted to the brick frontage wall only. The proposal is not therefore going to affect the historic wall.

The brick wall is a relatively modern addition to the site and the character of the Conservation Area. Its removal is not considered to be detrimental to the character and appearance of the street scene as it is proposed to be replaced with a garage/workshop with fenestration onto the street. This would restore an active frontage as would have been evident with the historic cottage that stood there previously. The form of development along with the materials used are considered to be acceptable in this location to replace the wall and outbuildings that were evident.

Speculation over the proposed use is not material to the Conservation Area Consent however is being reported separately under full application S/37968.

Water pressure is not material to the Conservation Area Consent or Full Planning application.

CONCLUSION

After careful consideration of the site and surrounding environs, the proposal is in the Kidwelly Conservation Area within the old town walls so needs to be considered carefully as it is particularly sensitive in terms of its location.

Photographic evidence demonstrates that the proposal is a replacement for a former cottage of a scale and design which fits the site and reinstates an active frontage within the medieval street pattern which is currently a featureless brick wall. The site is of a scale that could accommodate a small dwelling, however the owner is seeking a garage and ancillary accommodation which is linked the house in terms of function and ownership. The scale is such that it accommodates a studio in the loft space in a way that is subtle and unobtrusive when viewed from the street with a rear gable overlooking the private garden. The old stone cottage wall along the South Western boundary of the site is retained so the impact of the proposal on the third party to the South West is minimal.

The proposal includes a parking space and garage so that cars are parked off the highway and the vehicular entrances reduce the likelihood of ad hoc parking on the road, hence keeping the highway clear. The Head of Transport had initial concerns however amended plans were submitted so now has no objection subject to the imposition of appropriate conditions requiring the visibility to be maintained.

On balance, whilst there is concern locally, the proposal is ancillary to the dwelling and of a scale, height and design which is considered to be acceptable in this location so is therefore considered to be in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - 1:500 scale Location Plan. Drawing No. P-100 dated 6 October 2018;
 - 1:200 scale Existing and Proposed Site Plans. Drawing No. P-101-A dated 26 October 2018;
 - 1:100 scale Proposed Elevations and Section Plans. Drawing No. P-105-A dated 26 October 2018.
 - 1:100 scale Proposed Floor Plans and Roof Plan. Drawing No. P-104-B.

REASONS

- 1 In the interests of the historic environment.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development complies with Policy GP1 of the LDP in that it is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.
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